

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 JOHN HENRY DAVIS,)
8 Petitioner,) Case No. C05-1741-TDM-JPD
9 v.)
10 DOUG WADDINGTON,) ORDER DISMISSING § 2254
11 Respondent.) PETITION WITHOUT PREJUDICE

The Court, having reviewed petitioner's writ of habeas corpus petition pursuant to 28 U.S.C. § 2254, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
 - (2) Petitioner's § 2254 petition (Dkt. Nos. 1 and 6) is DENIED, and this action is DISMISSED without prejudice.
 - (3) Petitioner's motion (Dkt. Nos. 16 and 18) for appointment of counsel is DENIED as moot.
 - (4) The Clerk is directed to send a copy of this Order to petitioner and to Magistrate Judge James P. Donohue.

DATED this 16th day of June, 2006.


Ricardo S. Martinez
United States District Judge